IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18649 of 2004

Between:

1 Thallari Nageswara Rao S/o Naga Bhushanam
Ex.President, Water Users Association of Mogullavagu Tank

(PWD) Chinna Komira (Vll), Gampalagudem (Man),
Krishna District
2 Dirisala Peda Basavaiah S/o Adiyya
Ex-member, Water Users Association of Mogullavagu Tank

(PWD) R/o Peda Komira (Vll), Gampalagudem (Man),
Krishna District
3 Mandadapu Narasimha Rao S/o Gopaiah
Ex-member, Water Users Association of Mogullavagu Tank

(PWD)R/o Peda Komira (Vll), Gampalagudem (Man),
Krishna District

..... PETITIONER(S)

AND

1 Assistant Engineer, PWD Special Section, Irrigation

Department, Gampalagudem, Krishna District
2 Station House Officer, Gampalagudem, Krishna District
3 Mandal Revenue Officer & Mandal Executive Magistrate,

Gampalagudem, Krishna District
4 Revenue Divisional Officer, Nuzvid, Krishna District
5 Superintendent of Police, Krishna District at Machilipatnam

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of

Mandmaus declaring the inaction of the Respondent Nos. 1 to 3 in implementing the orders of 4th respondent in R.C. No. E. 2817/2004, dated 20-09-2004 and failure in removing un-authorised electrical motors and oil engines, prohibiting un-authorised use of water from Mogullavagu PWD Tank, Cinna Komira, Gampalagudem, Mandal Krishna District, while depriving the livilihood of registered Ayacutdars under the said tank as bad, illegal, arbitrary consequential direct the Respondnets 1 to 3 to implement the order of 4th respondent in R.C. No. E.2817/2004 dated 20-09-2004.

Counsel for the Petitioners:MR.V.VENUGOPALA RAO

Counsel for the Respondent No.1: GP FOR IRRIGATION & COMM AREA DEV.

Counsel for the Respondent Nos.2 and 5: GP FOR HOME

Counsel for the Respondents No.3 and 4: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

On a complaint made by the Ayacutdars including the petitioners, the Revenue Divisional Officer, 4th respondent herein, vide proceedings in Rc.E.No.2817 of 2004, dated 20.09.2004, constituted a team of officers comprising of Mandal Revenue Officer, Assistant Engineer, Panchayat Raj and Electricity, and Sub-Inspector of Police, Gampalagudem, to disconnect the illegal connections of Electric motors and remove Oil-Engines on Mogullavagu Tank, to regulate the water consumption to the registered ayacutdars. The grievance of the petitioners is that in spite of constituting a team for the purpose mentioned above, some un-authorised persons are not cooperating with them in removing the un-authorised electrical motors and oil engines.

If that be the case, the petitioners have to approach the concerned District Collector seeking appropriate relief or can bring to the notice of the Revenue Divisional Officer

about the inaction due to non-cooperation by the un-authorised persons. Without making such efforts, the petitioners cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India. The petitioners are at liberty to avail the remedies, as are available to them under law.

The writ petition fails and accordingly the same is dismissed. No order as to costs.

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(A.GOPAL REDDY,J)

Dt:12.10.2004

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To

1 Assistant Engineer, PWD Special Section, Irrigation

Department, Gampalagudem, Krishna District
2 Station House Officer, Gampalagudem, Krishna District
3 Mandal Revenue Officer & Mandal Executive Magistrate,

Gampalagudem, Krishna District
4 Revenue Divisional Officer, Nuzvid, Krishna District
5 Superintendent of Police, Krishna District at Machilipatnam

6 2 CCS to the G.P. for Irrigation, Revenue and Home, High

Court Buildings, High Court of A.P., Hyderabad.

6 2 CD copies.